IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2071 of 2005

Between:

Bhargava Mines & Minerals, Rep. by its Prop. P.N. Venkataramana,
S/o. P.S. Narayana Swamy, Aged about 42 Years, R/o. Chittoor District.

..... PETITIONER

AND

1 The Government of India, Rep. by its Secretary, Ministry of Steel and Mines, New Delhi.
2 The Government of Andhra Pradesh, Rep. by its Secretary, Industries and Commerce Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or writ one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in Lr.No. 2(26)/2004-R.C.II, dt. 07-12-2004 in rejecting the application of the petitioner dt. 21-11-2004 and not setting aside the order of the 2nd respondent in Memo No. 20518/MI(2)/98-2, dt. 08-02-99 as arbitrary, illegal, unjust and unconstitutional and violative of principles of natural justice and pass such other order or orders.

Counsel for the Petitioner : SMT. N.SHOBA

Counsel for the Respondent No.1: Mr. A. Rajashekar Reddy (Standing Counsel for Central Government)

Counsel for the Respondent No.2 : GP FOR MINES AND GEOLOGY

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.2071 OF 2005

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ORAL ORDER :

The petitioner seeks a Writ of Mandamus declaring the impugned proceedings dated 7-12-2004 passed by the 1st respondent as arbitrary and illegal.

The petitioner has filed an application for grant of mining lease for Silica Sand over an extent of 100 acres situated in Sy.Nos.257, 263, 271, 258 & 259 in Plot No.98 of Vellapalem Village, Chillakur Mandal, Nellore District for a period of 20 years. The said application was rejected by the second respondent by order 08-02-1999. It is stated that the said order was communicated to the petitioner only on 16-10-2004 and immediately, thereafter the petitioner preferred a Revision Petition

before the first respondent under Section 30 of the Mines and Minerals (Regulation and Development) Act, 1957 read with Rule 54 of the Mineral Concession Rules, 1960. The said Revision Petition was rejected by the first respondent as time-barred by impugned proceedings dated 7-12-2004.

The learned Counsel for the petitioner contends that before passing the impugned order dated 7-12-2004 the petitioner was not afforded any opportunity and therefore the same is liable to be dismissed on that ground alone. The learned Counsel submits that the delay in filing the Revision is only on account of the delay on the part of the 2nd respondent in communicating the order dated 8-2-1999 and the petitioner would have established the same if only an opportunity was given before passing the impugned order.

Heard the learned Counsel for the petitioner and Smt. V.Sandhya, the learned Standing Counsel for the Central Government appearing for the 1st respondent.

Nothing has been placed before this Court to show that the petitioner was afforded any opportunity before passing the impugned proceedings. Having regard to the facts and circumstances, I am of the view that the matter requires reconsideration after affording due opportunity to the petitioner to explain the delay. Hence, the impugned order is set aside and the matter is remitted back to the first respondent for consideration afresh.

Accordingly, without expressing any opinion on merits, the impugned order dated 7-12-2004 is set aside and the Writ Petition is disposed of with a direction to the first respondent to consider the Revision Petition afresh after due notice to the petitioner and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of two months from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

21st February, 2005.

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To

1 The Secretary, Government of India, , Ministry of Steel and Mines,
New Delhi.
2 The Secretary, Government of Andhra Pradesh, Industries and Commerce Department, Secretariat, Hyderabad.

3. Two CCs to G.P. for Mines & Geology, High Court of AP Bldgs, Hyderabad (OUT).

4. 2 CD copies